

[counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CASE NO. CV 10-03561 WHA

**STIPULATION AND [PROPOSED]
ORDER REGARDING SELECTION,
ARRANGEMENT AND STRUCTURE**

Judge: Honorable William H. Alsup

STIPULATION

WHEREAS, the parties have met and conferred and have reached agreement regarding a statement that Google made in a brief to the Court regarding substantial similarity of the selection, arrangement and structure of API elements in the 37 accused API packages;

NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE as follows:

1. The following statement shall be read to the jury on the same terms as the other statements in the Court's Order Granting in Part Oracle's Motion to Deem Issues Undisputed and Denying Relief Regarding Statement to Jury (ECF No. 938):

For the 37 accused API packages, Android and Java 2 SE Version 5.0 have substantially the same selection, arrangement and structure of API elements.

2. This stipulation is made without prejudice to Oracle arguing that the selection, arrangement and structure of the 37 API packages are virtually identical between Android and Java 2 SE.

3. This stipulation is made without prejudice to Google arguing that the 37 accused API packages in Android and Java 2 SE are only a small portion of the Android and Java platforms, respectively, as a whole.

ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: _____

Honorable William H. Alsup
Judge of the United States District Court

1 Dated: April 19, 2012

MORRISON & FOERSTER LLP

2 By: /s/ Marc David Peters

3 MORRISON & FOERSTER LLP
4 MICHAEL A. JACOBS (Bar No. 111664)
mjacobs@mofo.com
5 MARC DAVID PETERS (Bar No. 211725)
mdpeters@mofo.com
6 DANIEL P. MUINO (Bar No. 209624)
dmuino@mofo.com
7 755 Page Mill Road
Palo Alto, CA 94304-1018
8 Telephone: (650) 813-5600
Facsimile: (650) 494-0792

9 BOIES, SCHILLER & FLEXNER LLP
10 DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsfllp.com
11 333 Main Street
Armonk, NY 10504
12 Telephone: (914) 749-8200
Facsimile: (914) 749-8300
13 STEVEN C. HOLTZMAN (Bar No. 144177)
sholtzman@bsfllp.com
14 1999 Harrison St., Suite 900
Oakland, CA 94612
15 Telephone: (510) 874-1000
Facsimile: (510) 874-1460

16 ORACLE CORPORATION
17 DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
18 DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
19 MATTHEW M. SARBORARIA (Bar No.
211600)
20 matthew.sarboraria@oracle.com
500 Oracle Parkway
21 Redwood City, CA 94065
Telephone: (650) 506-5200
22 Facsimile: (650) 506-7114

23 *Attorneys for Plaintiff*
24 ORACLE AMERICA, INC.

1 Dated: April 19, 2012

KEKER & VAN NEST LLP

2 By: /s/ Matthias A. Kamber

3 SCOTT T. WEINGAERTNER (*Pro Hac Vice*)

4 sweingaertner@kslaw.com

ROBERT F. PERRY

5 rpery@kslaw.com

6 BRUCE W. BABER (*Pro Hac Vice*)

bbaber@kslaw.com

1185 Avenue of the Americas

7 New York, NY 10036-4003

8 Telephone: (212) 556-2100

Facsimile: (212) 556-2222

9 DONALD F. ZIMMER, JR. (SBN 112279)

fzimmer@kslaw.com

10 CHERYL A. SABNIS (SBN 224323)

csabnis@kslaw.com

11 KING & SPALDING LLP

101 Second Street - Suite 2300

12 San Francisco, CA 94105

Telephone: (415) 318-1200

13 Facsimile: (415) 318-1300

14 GREENBERG TRAURIG, LLP

15 IAN C. BALLON (SBN 141819)

ballon@gtlaw.com

16 HEATHER MEEKER (SBN 172148)

meekerh@gtlaw.com

1900 University Avenue

17 East Palo Alto, CA 94303

Telephone: (650) 328-8500

18 Facsimile: (650) 328-8508

19 KEKER & VAN NEST LLP

20 ROBERT A. VAN NEST (SBN 84065)

rvannest@kvn.com

21 CHRISTA M. ANDERSON (SBN184325)

canderson@kvn.com

22 DANIEL PURCELL (SBN 191424)

dpurcell@kvn.com

633 Battery Street

23 San Francisco, CA 94111

Telephone: (415) 391-5400

24 Facsimile: (415) 397-7188

25 *Attorneys for Defendant*

26 GOOGLE INC.

ATTESTATION

I, Marc David Peters, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER REGARDING SELECTION, ARRANGEMENT AND STRUCTURE. In compliance with General Order 45, X.B., I hereby attest that Matthias A. Kamber has concurred in this filing.

Date: April 19, 2012

/s/ Marc David Peters